



River – River District

Section 7-8-19 – Unified Development Ordinance City of Asheville Zoning Districts

(a) *Purpose.* River District is hereby created to celebrate, conserve, promote, and manage those areas on both sides of the French Broad and Swannanoa Rivers within the corporate limits and those areas of extraterritorial jurisdiction of the City of Asheville, North Carolina. These zoning standards will ensure that new development is compatible with and enhances the unique river resources as called for in Asheville's Comprehensive Plan and addenda. It is the intent of these standards to promote economic revitalization throughout the river valleys while providing for an opportunity for enjoyment of the river by a maximum number of citizens, neighbors, and guests. The Riverfront Plan, the Riverfront Open Space Guidelines, and the River District Design Review Guidelines are companion documents to these regulations.

The goals of the River District are to:

- (1) Promote the protection and improvement of the French Broad and Swannanoa Rivers as water resources;
- (2) Allow a mixture of river oriented land uses (residential, recreational, office/institutional, commercial, manufacturing, industrial, open space, and agricultural) to develop and prosper together through the establishment of specific development standards;
- (3) Promote responsible development that will result minimal stormwater runoff, soil erosion, river bank destabilization, grading, and flood damage;
- (4) Promote the preservation of a vegetative river resource corridor between the top of the river bank and new development to protect property from flooding and to enhance water quality;
- (5) Encourage the planting of specific riparian landscaping that will aid in controlling erosion, improving water quality, reducing

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stormwater runoff, enhancing fish and wildlife habitats, and protecting visual quality;

- (6) Promote the protection of existing natural areas, wetlands, and habitats, especially bluffs along the rivers;
- (7) Encourage the establishment of vegetative buffer yards between incompatible land uses to lessen negative impacts;
- (8) Encourage the conservation, protection, and promotion of the district's natural, cultural, and historic resources to enhance its value as a significant amenity to Asheville's citizens, neighbors, and tourists;
- (9) Encourage the creation of identifiable neighborhoods within the district through preferred land uses and the enhancement of their historical significance through coordinated physical amenities;
- (10) Promote improvements to existing infrastructure and the coordination of all new utility improvements;
- (11) Promote the rivers as a gateway to the city by encouraging the improvement of physical connections to Downtown, West Asheville, Biltmore Village, U.N.C.-A., A. B. Technical Community College, Warren Wilson College, Blue Ridge Parkway, and the N.C. Arboretum and encourage the provision of controlled public access directly to the water; and
- (12) Encourage the development of different uses on different floors of multiple story buildings.

The development of a pedestrian trail/greenway along the rivers is encouraged within the River District. Land owners are encouraged to dedicate/grant a dry land right-of-way or easement within the river resource yard. The public pedestrian trail/greenway along the rivers would be a part of the proposed greenway system for the City of Asheville as designated in the Greenway Master Plan.

Land owners are additionally encouraged to dedicate or grant a dry-land right-of-way or easement for use and maintenance by the Asheville Fire Department as a river emergency/rescue point.

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(b) *Permitted uses.* Any use not identified as a prohibited use, a use by right, subject to special requirements, or a conditional use shall be a permitted use in the River District.

(c) *Prohibited uses.* The following uses are prohibited in the River District:

Adult establishments

Asphalt plants

Businesses manufacturing or storing materials listed as H1 hazardous materials as identified in the current version of the North Carolina State Building Code

Chemical storage facilities

Detention centers, jails, and related correctional facilities

Gas manufacturing

Gated communities. This shall not include those gated communities lawfully established prior to June 12, 2007, or extend to those properties acquired as part of such communities prior to June 12, 2007, provided it can be demonstrated that these properties were included in a documented community masterplan.

Hazardous waste management facilities

Manufacture or storage of ammunition, dynamite, or other high explosives

Mining

Paper mills

Slaughter houses

Solid waste disposal facilities

Solid waste landfills

Uses prohibited by the Asheville Flood Protection Standards

(d) *Uses by right subject to special requirements.*

Antenna

Automobile, truck other vehicle servicing and repairs

Outdoor storage

Recycling center

Recycling collection center

Recycling plant

Salvage operation

Storage tanks and containers mounted above ground

Tanks used for storage of chemicals, oil or fuel incidental to a use that is allowed in the district

Wireless telecommunication facilities, concealed

Wireless telecommunication facilities, co-located

Wireless telecommunication facilities, microcell

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- (e) *Conditional uses.*
Level III projects incorporating uses permitted in the River District.
Single tenant retail structures and multi-tenant retail structures with a gross floor area of more than 100,000 square feet.
Telecommunication towers

(f) *Development standards.*

- (1) *Density standards.* The maximum residential density per acre within the River District shall be 16 dwelling units.
- (2) *Structure size standards.* None. However, in multi-tenant developments, no single retailer shall constitute more than 75 percent of the total gross floor area.
- (3) *Lot size standards.* None.
- (4) *Lot width standards.* None.
- (5) *Setback standards.* The following minimum setbacks shall be required for uses in the River District.

Front, street side: 15 feet, except that the minimum setback may be reduced to zero feet in pedestrian-oriented areas where road widening is not anticipated provided that all parking is located to the side or rear and not closer to the street than the facade of the principal structure, and where pedestrian-oriented design features are incorporated in building and site design.

Side: None required.

Lots abutting the river: 10 ft. side setback

Rear: None required unless lot abuts the river.

Lots abutting the river: Setback from the top of the river bank a distance equal to 20 percent of the lot depth, with a maximum setback of 50 feet and a minimum setback of 20 feet (See River Resource Yard; Development Standard # 12). This distance shall be measured at the time of site plan review.

Non-residential uses shall be setback a minimum of 30 feet from residential uses.

The landscape and buffering standards (section 7-11-3) may

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require additional setback; if so, the most restrictive requirement shall apply.

The minimum spacing between structures shall, in addition, be as per the Asheville Fire Prevention Code.

- (6) *Impervious surface standards.* The maximum impervious surface coverage in the River District shall be 80 percent. Vegetative drainage swales are required for stormwater control in the River District.
- (7) *Height standards.* The maximum height of structures in the River District shall be 60 feet.
- (8) *Landscaping/buffering standards.* Landscaping and/or buffering shall be provided as required by section 7-11-3 of this chapter. Species suitable for a river environment shall be specified for required landscaping and buffering in the River District. (See Appendix C, Recommended Species List.) In areas experiencing natural stream bank erosion, planting of riparian vegetation shall be the required stabilization measure. If this technique is shown to be ineffective, then riprap shall be utilized, using natural rocks and installed in a manner providing space for vegetative growth.
- (9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter. No parking shall be permitted in any required setback. Uses in the River District shall be permitted a 20 percent reduction in required parking. Shared parking arrangements and common parking areas are encouraged.
- (10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in subsection 7-11-8 of this chapter.
- (11) *Recreational/open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter.
- (12) *Design and operation standards.* The speculative grading of land within the River District is prohibited. Natural slopes in excess of 45 degrees shall not be graded and the existing vegetation shall not be removed.

River Resource Yard - A river resource yard equal to 20 percent of the lot depth, with a maximum depth of 50 feet and a

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minimum depth of 20 feet shall be required of those properties abutting the French Broad River and Swannanoa River banks for all new development on these lots. This river resource yard is to be measured from the top of the banks of the rivers at the time of site plan approval. Existing continuous tree stands should be preserved to stabilize the river banks. Selective pruning or removal of diseased trees and shrubs in the river resource yard is permissible, provided that a live root system stays intact to provide for bank stabilization, erosion control, and improved water quality. Dead and diseased vegetation may be removed. Walkways, trails, river access areas, and similar activities may occur within the River Resource Yard.

Uses located within the River District shall be subject to the noise standards set forth in the city's noise ordinance (article IV of Code of Ordinances of the City of Asheville, sections 10-81 through 10-83). New outdoor loud speaker systems shall operate only during daylight hours.

All new or expanded operations located within the River District producing glare or heat shall be screened from adjacent residential districts. Exposed sources of light shall be shielded so no direct beam of light crosses lot lines. The top of light fixtures shall not exceed 30 feet in height in parking lots and 14 feet at all other locations on the development site.

Outdoor storage of materials is prohibited in the required front setback and within 50 feet of a residential district.

River District Design Guidelines: All construction work requiring building, sign, demolition, and zoning permits and projects requesting a variance within the River District shall be subject to a mandatory review/voluntary compliance procedure as set forth in article V of this chapter.

- (13) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

(Ord. No. 2369, § 1, 5-27-97; Ord. No. 2437, §§ 5, 6, 11-25-97; Ord. No. 2462, § 1(b), 4-14-98; Ord. No. 2539, § 1, 1-26-99; Ord. No. 2589, § 1(d), 7-13-99; Ord. No. 2649, § 1(c), 12-21-99; Ord. No. 2664, § 1(s), 2-8-00; Ord. No. 2792, § 1(d), 2-13-01; Ord. No. 2904, § 1(s), 3-12-02); Ord. No. 3010, § 1b, 3-25-03; Ord. No. 3156, § 1, 8-24-04; Ord. No. 3390, § 1(b), 9-12-06; Ord. No. 3483, § 1(b), 6-2-07; Ord. No. 3579, §§ 1(a), (b), 1-22-

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08; Ord. No. 3582, § 1(d), 2-12-08; Ord. No. 3583, § 1(a), 2-12-08)

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